

Notice of Allowability

Application No.

09/856,374

Applicant(s)

MORISHITA ET AL.

Examiner

Art Unit

Q. Janice Li

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/15/04 & 11/18/04.
2. ☒ The allowed claim(s) is/are 13-17.
3. ☒ The drawings filed on 21 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

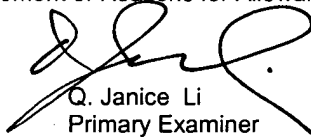
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/15/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Q. Janice Li
Primary Examiner
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DETAILED ACTION

The amendment, response, and supplemental response filed 9/15/04 and 11/18//04 have been entered. Claims 13-17 have been amended, pending in the application, and under current examination.

All of the amendments have been thoroughly reviewed and entered. The previous rejections in the Office action mailed 6/15/04 are withdrawn in view of the amendments and responses.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan J. Mack and Lisa Stahl on February 1 and 3, respectively.

The claims have been amended as follows:

13. **(currently amended):** A therapeutic or preventive method for cerebrovascular disorders comprising introducing into a human subject a polynucleotide encoding hepatocyte growth factor (HGF) and/or a polynucleotide encoding vascular endothelial growth factor (VEGF) in the form of hemagglutinating virus of Japan (HVJ)-liposomes by direct injection into

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the subarachnoid space of said subject ~~in humans~~ thereby treating or preventing said cerebrovascular disorders.

14. **(currently amended):** A therapeutic or preventive method for treating or preventing reduced blood flow comprising introducing into a human subject a polynucleotide encoding HGF and/or a polynucleotide encoding VEGF in the form of HVJ-liposomes by direct injection into the subarachnoid space of said subject ~~in humans~~ thereby treating or preventing said reduced blood flow.

15. **(currently amended):** A method of promoting cerebral angiogenesis comprising introducing into a human subject a polynucleotide encoding HGF and/or a polynucleotide encoding VEGF in the form of HVJ-liposomes by direct injection into the subarachnoid space of said subject ~~in humans~~ thereby promoting said cerebral angiogenesis.

16. **(currently amended):** A method of suppressing neuronal death in the brain comprising introducing into a human subject a polynucleotide encoding HGF in the form of HVJ-liposomes by direct injection into the subarachnoid space of said subject ~~in humans~~ thereby suppressing said neuronal death in the brain.

17. **(currently amended):** A method of suppressing apoptosis of nerve cells in the brain comprising introducing ~~by direct injection~~ into a human subject a polynucleotide encoding

HGF in the form of HVJ-liposomes by direct injection into the subarachnoid space of said subject in humans thereby suppressing said apoptosis of nerve cells.

Conclusion

Claims 13-17 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Q. Janice Li** whose telephone number is 571-272-0730. The examiner can normally be reached on 9:30 am - 7 p.m., Monday through Friday, except every other Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ram R. Shukla** can be reached on 571-272-0735. The fax numbers for the organization where this application or proceeding is assigned are **571-273-8300**.

Any inquiry of formal matters can be directed to the patent analyst, **Dianiece Jacobs**, whose telephone number is (571) 272-0532.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image

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problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.



Q. Janice Li
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February 3, 2005